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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ERVIN MIDDLETON,

Plaintiff(s),

v.

CAVALRY PORTFOLIO SVC LLC,

Defendant(s).

2:12-CV-1993 JCM (VCF)

ORDER

Presently before the court is defendant's, Calvary Portfolio Services LLC, motion to dismiss. (Doc. # 7). Responses were due by plaintiff by December 8, 2012. Plaintiff has not filed a response.

Pursuant to Local Rule 7-2, an opposing party must file points and authorities in response to a motion and failure to file a timely response constitutes the party's consent to the granting of the motion and is proper grounds for dismissal. *See* LR IB 7-2(d); *United States v. Warren*, 601 F.2d 471, 474 (9th Cir. 1979). However, prior to dismissal, the district court is required to weigh several factors: "(1) the public's interest in expeditious resolution of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases of their merits; and (5) the availability of less drastic sanctions." *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (citing *Henderson v. Duncan*, 779 F.2d 1421, 1423 (9th Cir. 1986)).

...

1 In light of the plaintiff's failure to respond and weighing the factors identified in *Ghazali*,
2 the court finds dismissal of defendant Calvary Portfolio Services LLC appropriate.

3 Accordingly,

4 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant's motion to
5 dismiss (doc. # 7) be, and the same hereby is, GRANTED. The case is hereby dismissed as to
6 defendant without prejudice.

7 DATED December 19, 2012.

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9 
10 UNITED STATES DISTRICT JUDGE